

A bill to incorporate the Lexington Male and Female Academy. Read 1st and 2nd times and referred to the committee on Education.

A bill for the relief of the widow and heirs of Lorenzo De Zavalla. Read 1st and 2nd times and referred to the committee on Claims and Accounts.

A bill to incorporate the San Antonio Gas Company. Read 1st time.

On motion of Mr. Paschal, rule suspended read 2nd time and passed to a 3rd reading. Rule further suspended, read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Herbert, Hyde, Martin, Parsons, Paschal, Pitts, Potter, Rains, Rainey, Scarborough, Shepard, Sims, Throckmorton and Townes—23.

NAYS—none.

A bill to incorporate the Jacksonville and Neches Bridge Company. Read 1st time.

On motion of Mr. Guinn, the rule was suspended, bill read 2nd time and passed to a 3rd reading. Rule further suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Blanch, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Martin, Parsons, Pitts, Potter, Rains, Rainey, Scarborough, Shepard, Sims, Throckmorton and Townes—23.

NAYS.—none.

On motion of Mr. Guinn, the Senate adjourned until 10 o'clock A. M., to-morrow.

TUESDAY, January 24th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Dickinson presented the petition of

Mr. Schleicher presented the petition of Y. P. Allsbury for land and money. Referred to the committee on Claims and Accounts.

Mr. Paschal presented the petition of Samuel Everet for land. Referred to the committee on Private Land Claims.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bills :

A bill to amend an act to incorporate Bastrop Academy, approved February 7th, 1853, and an act to amend the same, approved January — 1858.

A bill making an appropriation to defray the expense of selling the University lands.

A bill making an appropriation for the protection of the frontier.

A bill supplementary to an act to permit the county of Brazoria to levy a special tax for purposes of Internal Improvement, passed September 1st, 1856.

And a bill relinquishing the title of the State to certain lands therein named to William M. Love. Correctly engrossed.

Mr. Throckmorton, chairman of the committee on the Court of Claims, to whom was referred a resolution concerning fraudulent certificates, reported the accompanying joint resolution as a substitute and recommended its passage.

Mr. Erath, from the committee on Counties and County Boundaries, to whom was referred the petition of the people of Bee county praying to legalize the selection of their county seat, reported the accompanying bill and recommended its passage.

A bill to legalize the location of the county seat of Bee county. Read 1st time.

Mr. Paschal, chairman of the committee on Internal Improvements, made the following reports :

I am instructed by the Internal Improvement committee to report the accompanying bill originating in the House, and to recommend its passage with the following proviso. After the word miles in the last line but two, of the second section, to-wit:

Provided said company shall only be entitled to land under this act for work done within five years from the date of this act.

The Internal Improvement committee have duly considered a House bill to amend an act to incorporate the Sabine and Rio Grande Railroad Company, and have instructed me to report the same, and recommend its passage with the accompanying amendments :

1st. Amend the 4th section by striking out the third and fourth and fifth lines of the amendment to the word "shares" inclusive, and insert "that the directors be and hereby authorized to pay to the shareholders entitled to receive the same, until the said road shall be completed on all instalments paid by them interest.

2nd. Insert as section 6, that if the said company shall form a connection with any other railroad company which may be authorized to construct a railroad in whole or in part over the

route which, after survey, may be selected as the route of the Sabine and the Rio Grande Railroad. The said company may by agreement between them consolidate their capital stock under the name and style of Sabine and Rio Grande Railroad Company, and the companies thus consolidated, may be and are hereby authorized to become one company, with all rights, powers and privileges, pertaining to either under their several charters. Provided that the said company shall not be authorized to construct more than one line of railway over the routes of the railways which the companies thus consolidated may be authorized by their respective charter to make and provided further, that if the said companies thus consolidated, shall within the two years next ensuing, after the passage of this act, have completed twenty-four continuous miles of the Railroad on the line of the Road, chartered by the act to which this is an amendment. It shall suffice to prevent any forfeiture on account of the non-construction of such other part of the railway embraced within the charters of the companies thus consolidated, as may by their respective charters be required to be completed within that period. Provided that nothing in this act contained, shall be construed to give this company any right to claim any land from the State, for any portion of railway, constructed by any companies with which this company may at any time consolidate, and in which such other company may have received lands from the State under their charters, or the general laws of the State for the encouragement of the construction of Railroads ; nor shall it be construed to extend the right to receive land under the provisions of the twenty-sixth section of said original charter, for a longer time than ten years after approval of said original charter.

3rd. Change the 6th to the 7th section, and after the word " term " in the fourth line, insert the words " of one year to complete the subscription of six hundred thousand dollars and "

Mr. Throckmorton, chairman of the committee on the Court of Claims, made the following report :

The joint committee on Court of Claims, have proposed the accompanying bill to reorganize the Court of Claims, and to extend the time for the presentation of claims for land and money against the Republic or the State of Texas, and have instructed me to report the same and to recommend its passage.

Mr. Paschal, chairman of the committee on Internal Improvements, made the following report :

The committee on Internal Improvements, to whom was referred the bill supplementary to the laws regulating railroad companies, have had the same under consideration, and instruct

me to report the same back to the Senate with amendments, and recommend its passage.

1st. Strike out in 1st section, "chartered or which may hereafter be chartered in this State;" strike out "by the vote of a majority of at least 2-3ds of the stock;" also in the next line "at its par value" strike out "and all stock issued in violation of the provisions of this section shall be null and void."

2nd. Strike out 2nd, 3rd and 4th sections.

3rd. Strike out section 5.

4th. Strike out section 6.

5th. In section 7th, insert in line 6. after the "weather" the word "stock" and in 9th line strike out "double" and in 10th line after the word exposure insert "together with all costs and expense of recovering the same, including necessary attorneys fees," strike out "recoverable" and all after it to the end of the 11th line. In 15th and 16th lines strike out "a reasonable time" and insert "three days," insert after the word "reception" which notice may be given by posting the same on the depot door, and after the expiration of such time the company may remove and store the said freights at the expense of the owner or consignee, and said freight shall be held liable for the freight and charges due thereon. Strike out the balance of the section after the word reception in 6th line.

6th. Strike out 9th, 10th and 11th sections.

7th. Strike out all after the word company 17th line section 12, and insert "unless it is shown that the enlargement or extension as above is made capriciously and with intent to annoy and molest the company."

8th. Add to the 13, section, "if the Railroad company fence in their road, they shall only then be liable in cases of injuries resulting from the want of ordinary care" and strike out the words "or other property destroyed" in 3rd line.

9th. Section 15th substitute, stock issued within thirty days before any stockholders meeting shall not entitle the holder to vote thereat, except at the first stockholders meeting under their charter for organization.

10th. In 16th section strike out the two last lines.

11th. Strike out the 17th section.

12th. Strike out the 18th section.

13th. Section 19, add, "nor shall the same be lost by the forfeiture or expiration of the charter, but shall remain subject to an extension of the charter, or the grant of a new charter over the same way without a new condemnation."

14th. Section 20, strike out in 4th and 5th lines the words "and the roads so connected shall become as one road."

Add as section — when any company refuses or neglects to draw over its road the cars of another company connecting with it, such company's connecting with it may draw its cars over such road with its own engines, during such refusal or neglect subject while on such road to its regulations for the management of its own trains.

SEC. The point at which the road of two companies intersects or connects is declared to be a depot for the receipt and delivery of freight and the companies must receive carry and deliver freight and passengers to and from the same under the regulations and the same penalties as in other cases.

SEC. Where a company constructs a switch on its road for the accommodation of freighters, they shall be bound to furnish a sufficient number of cars for the transportation of freight therefrom when requested so to do, and in default so to do, shall be subject to the same penalties as in other cases of neglect of the like character.

SEC. *Be it enacted by the Legislature of the State of Texas,* That the railroads of this State, beginning or terminating at or passing through any or city or town, shall be and the same are hereby required to connect so as to allow the cars of one to pass over the track of another, and for the purpose of forming a connection the company or companies of such railroads shall have the right to enter upon and use any public street, alley or highway in such city or town for the track or their road or roads without compensation, in accordance with the provisions mentioned in the following section.

SEC. That if any railroad companies shall be unable to agree as to the point or points at which such connection shall be made or if the people or authorities of such city or town, oppose the passage or any road through or over any particular street or highway, then, and in that case it shall be the duty of the State Engineer, or such other person as the Governor may appoint on the application of any railroad company, upon being notified of the fact by any one of the companies, or by the authorities of such city or town, to proceed to designate the point or points at which said connection shall be made, and also the streets, alleys and highways through and over which such road or roads shall pass, provided that in the selection of streets or highways, a due regard shall be had to the commercial interests and convenience of such city or town, and no main street or thoroughfare shall be appropriated for a railway track, if another may conveniently be made to answer.

SEC. That to form such connection the companies or any of them, shall have the right to enter upon and use the property of any private individual or corporation upon making just compensation therefor, in accordance with the terms of the charter of any of the companies seeking to use the same, or of the provisions of any general law, providing that private property may be appropriated for highways or for public uses.

SEC. That the expenses of such connections shall be borne equally by the several roads required to make the connection, and any railway company failing or refusing to make its portions of the connection herein required, within twelve months from the time of being notified by any other company of its readiness to make such connection, unless prevented by delays in obtaining the right of way, shall forfeit all claim for land by virtue of any act of the Legislature of the State of Texas, granting donations of land, to encourage the construction of railroads, and moreover shall be liable to pay by suit at law its proportion of the cost of such connection.

SEC. That if the people or authorities of any city or town, shall forcibly obstruct or oppose the passage of any railroad through or over any street, common, highway or alley, which may have been designated by the State Engineer, or other person as the Governor may appoint to form such connection they shall be liable in damages to any or all of said companies.

SEC. That any railway company duly chartered by the laws of this State, shall have the right to construct the main track of its road through the corporate limits of any city or town of this State, which may be in the line of said railway, and for such purpose may use any of the public streets, alleys and highways of such city or town, or private property in the same manner and subject to the same rules and regulations mentioned in the second section of this act, provided that the company owning said road shall pay the expenses thereof, and further provided that if the passage of said line of road through or over any public street, alley or highway of such city or town, shall be opposed or obstructed by the people or authorities of such city or town after the same shall have been designated by the State Engineer, or such other person as the Governor may appoint, then and in that case such company in its discretion shall select the line of its road so as to pass around said town, in which case it shall have the right to recover by suit of such city or town, damages occasioned by such opposition or obstruction.

SEC. That the authority of any city or town through the streets, alleys or highways, of which any railroad cars may pass

in accordance with the provisions of this act, shall be and they are authorized to regulate the speed at which such cars shall be run, provided the maximum speed shall not exceed six nor the minimum be less than four miles per hour, to require that the companies shall have signal men with flags or signals at the crossings of all the principal streets, and that the locomotives shall be provided with spark catchers and to generally require of said companies such measures of precaution in running their locomotives and cars through such streets, alleys and highways, as in their opinion may be necessary to secure the safety of the inhabitants and property, provided the authorities shall not have the right to prohibit the passage of the locomotives and cars over any portion of the track.

Mr. Paschal, from the committee on the Judiciary, to whom was referred a bill to incorporate the Hydraulic Company of San Antonio, returned the same to the Senate and recommended its passage.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill to establish the time of holding the courts in the 12th judicial district, returned the same to the Senate and recommended its passage.

Mr. Hyde, chairman of the committee on Private Land Claims made the following report :

The committee on Private Land Claims to whom was referred the House bill granting a donation to Jose Maria Gonzalles, have had the same under consideration, and instruct me to report that from the evidence adduced before them, it is conclusively shown that the petitioner was born and has continuously resided in Texas to the present time, that during the Texas revolution he was a friend to the cause of liberty, did not leave Texas to avoid a participation in the struggle for independence, did not give aid or comfort to the enemy, and that he has never received any land. The applicant on many occasions has rendered important services to the Republic of Texas. In 1836 he commanded a company of troops on an expedition from San Antonio against the Comanche Indians, and in an engagement with them received a wound which has disabled him for life, and in the spring of 1842, he sent a letter to San Antonio, giving intelligence of the approach of General Vasquez, for which after the capture of that city by said General, he was arrested and immured in a dungeon in Monterey for eighteen months. In view of all these facts, your committee have instructed me to report the bill back for the Senate's consideration.

Mr. Stockdale, from the committee on Internal Improvements,

to whom was referred the joint resolution to amend the constitution, reported the same back to the Senate with the accompanying substitute and recommended its adoption, and the passage of the resolution.

Mr. Gentry, from the committee on Internal Improvements, to whom was referred a bill to incorporate the Texas and Mexican Railway Company, reported the same with an amendment and recommended its passage.

Amend 6th section, in 9th and 10th lines, so as to read as follows: That this act shall expire in ninety years unless it be renewed or extended and shall take effect from and after its passage.

Mr. Herbert, chairman of the committee on Roads and Bridges, to whom was referred a bill to authorize Adam Sullivan to construct a bridge across the Sabine River, returned the same and recommended its passage.

Mr. Guian, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to whom was referred the petition of William K. Elliot asking for relief, have considered it, and find from the facts and proofs, that the relief ought not to be granted, and they would further report that it may be a good claim against the United States, but not against the State of Texas. They have instructed me to return the papers and ask that no further action be had on them.

Mr. Hurman, from the committee on Private Land Claims, to whom was referred a House bill for the relief of Alexander Miller, returned the same to the Senate and recommended its passage.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee in accordance with the requirements of the accompanying resolution, herewith report a bill to carry out the purpose indicated.

A bill prohibiting the emancipation of slaves by will or otherwise, which was read 1st time.

A bill to authorize the corporation of Laredo to dispose of certain lands, with the recommendation that it pass.

Also a bill to authorize the county court of Shelby county to regulate the pay of sheriffs therein, in certain cases, with the same recommendation.

Mr. Townes, from the Judiciary, committee made a report on a bill authorizing the corporate authorities of the town of Dangierfield, to tax ten pin alleys, and recommend its passage.

Also a bill for the relief of John Hearn, with the same recommendation.

Mr. Stockdale, from the Judiciary committee, reported a substitute for the bill concerning common carriers, and recommended its passage.

Mr. Throckmorton, chairman of the committee on the Court of Claims, reported upon the bill for the relief of Edward Hall, and recommended its passage.

Mr. Rainey, chairman of the committee on Agriculture, reported upon the bill to encourage the boring of Artesian wells in the counties of Hill, Navarro, Freestone and Limestone and recommended its rejection.

Mr. Hyde, chairman of the committee on Private Land Claims, reported upon the bill for the relief of the heirs of William McDowell and recommended its passage.

Mr. Dickinson introduced a bill for the relief of J. F. Mills. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Paschal introduced a bill for the relief of Samuel Everett. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Erath introduced a bill to repeal the 2nd section of an act approved 17th January 1860, to authorize the commissioner of the General Land Office, to issue patents on surveys heretofore made not according to law. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Britton introduced a bill to defray expenses for the protection of the frontier. Read 1st and 2nd times and referred to the committee on State Affairs.

Mr. Parsons introduced a bill to fix the liabilities of sheriffs and other officers in certain cases. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Herbert by leave, presented the petition of Harman Tracy. Read and referred to the committee on Private Land Claims.

Mr. Potter introduced a bill to empower the Mayor, Aldermen and inhabitants of the city of Galveston, to issue bonds for the construction of a bridge from Galveston island to main land. Read 1st time, rule suspended, read 2nd time and ordered to be engrossed.

On motion of Mr. Potter, the rule was further suspended, bill read 3rd time and passed.

Mr. Walker offered the following resolution :

Resolved, That a special committee of five be selected by the President from the Senators elected since the last session of the

Legislature, to take under consideration the bill to locate permanently the seat of justice of Tarrant county, and report their deliberations on this subject to the Senate as early as practicable. Adopted.

Messrs. Townes, Harman, Schleicher, Gentry and Rainey, were appointed said committee.

A message was received from the House, informing the Senate, that the House had passed the following bills.

Senate's bill to amend an act amendatory of and supplemental to an act to encourage the improvement of the navigation of the rivers and other navigable waters of Texas, by making appropriations for the same, approved 23rd August, 1856, with an amendment, which on motion of Mr. Herbert, was concurred in.

A bill to incorporate the Alamo College.

A bill to incorporate the San Antonio Female College.

A bill to authorize and require the clerks of the district courts of Titus, Travis and San Augustine counties to apportion the causes on the dockets of said courts.

A bill to authorize the use of the U. S. bonds set apart to the University of Texas, to meet appropriations made for frontier protection.

A bill to incorporate the Prairie Lea Female Institute located at Prairie Lea.

A bill making an appropriation to pay Assessors and Collectors for taking the scholastic census for the year 1859.

And the following House bills.

A bill for the relief of Mrs. William Gamble, late widow of John Carroll.

A bill to prevent judgments from becoming dormant.

Also transmitting the special message of the Governor, which is as follows :

GENTLEMEN OF THE SENATE

AND HOUSE OF REPRESENTATIVES :

The following resolutions and autograph letter, I have received from the Governor of South Carolina, with a request therein, that I transmit the same to your honorable body :

RESOLUTIONS IN RELATION TO FEDERAL RELATIONS.

WHEREAS, The State of South Carolina, by her ordinance of A. D. 1852, affirmed her right to secede from the confederacy whenever the occasion should arise, justifying her, in her judgment, in taking that step ; and, in the resolution adopted by her convention, declared that she forbore the immediate exercise of that right, from considerations of expediency only.

AND, WHEREAS, more than seven years have elapsed since that convention adjourned, and in the intervening time the assaults upon the institution of slavery, and upon the rights and equality of the Southern States, have unceasingly continued, with increasing violence and in new and more alarming forms. Be it therefore

1st. *Resolved, unanimously*, That the State of South Carolina, still deferring to her southern sisters, nevertheless, announces to them that it is the deliberate judgment of this General Assembly, that the slaveholding States should immediately meet together to concert measures for united action.

2d. *Resolved, unanimously*, That the foregoing preamble and resolutions be communicated by the Governor to all the slaveholding States, with the earnest request of this State that they will appoint deputies and adopt such measures as in their judgment will promote the said meeting.

3d. *Resolved, unanimously*, That a special Commissioner be appointed by his Excellency the Governor, to communicate the foregoing preamble and resolutions to the State of Virginia, and to express to the authorities of that State, the cordial sympathies of the people of South Carolina with the people of Virginia, and their earnest desire to unite with them in measures of common defence.

4th. *Resolved, unanimously*, That the State of South Carolina, owes it to her own citizens, to protect them and their property from every enemy, and, that for the purpose of military preparation for an emergency, the sum of one hundred thousand (100,000) be appropriated for military emergencies.

EXECUTIVE DEPARTMENT, }
COLUMBIA, S. C., Dec. 30th, 1859. }

His Excellency, Samuel Houston.

DEAR SIR :—I have the honor to enclose certain resolutions which passed unanimously both branches of the Legislature of South Carolina ; in one of which, is an earnest request, that your State will appoint deputies and adopt such other measures as will promote a meeting of slaveholding States in convention. You will see by the preamble to the resolution that South Carolina, as a sovereign, claims the right to secede whenever she may think it expedient to do so, but she much prefers concerted

action, and is willing to follow any lead. Be pleased to submit the resolutions to your Legislature at the earliest moment.

With great respect and consideration,

I am, yours truly,

WM. H. GIST.

This is done in accordance with the spirit of courtesy which should actuate the Executive of one State in his intercourse with that of another. At the same time, I deem it due to myself, as well as to your honorable body, to enter my unqualified protest against, and dissent from the principles enunciated in the resolutions.

The reasons assigned, seem to me insufficient to justify the measures recommended, unsupported as they are by facts to establish their soundness. They appear to be the affirmation of the Ordinance adopted by South Carolina in 1852, well known to be based upon the adoption by Congress of the compromise measures of 1850. These measures were endorsed by the people of Texas through their popular vote at the ballot-box; and as no recent incentive to action on the part of South Carolina appears, other than that, "the assaults upon the institution of slavery and upon the rights and equality of the Southern States, have unceasingly continued." The Executive is led to believe that these measures, so emphatically endorsed by the people of Texas, were one, if not the chief of the "assaults" enumerated.

Were there no constitutional objections to the course suggested by the resolutions, I cannot perceive any advantage that could result to the slaveholding States, or any one of them in seceding from the Union. The same evils, the same assaults complained of now, would still exist, while no constitution would guarantee our rights, uniting the strength of a Federal Government, able and willing to maintain them; but an insuperable objection arises in my mind. The course suggested, has no constitutional sanction, and is at war with every principle affecting the happiness and prosperity of the people of each individual State, as well as their people in their national capacity.

For years past, the doctrines of nullification, secession and disunion, have found advocates in Southern States as well as Northern. These ultra theories have, at different periods, raged with more or less violence, and there have not been wanting persons to fan the flame of discord and to magnify imaginary evils into startling realities. Confounding the language of individuals

with the acts of government itself, they who desire disunion at the South, are not satisfied with the constitution fairly and honestly interpreted by the highest court in the country and the law faithfully and impartially administered by the Federal Government, (even to the exercise of all its powers) to protect the rights of property and guarantee the same, are ready to seek relief from abolitionism in disunion.

It is not to be supposed that the people of the South regard the institution of slavery as possessing so little moral strength, as to be injured by the "assaults" made upon it by a fanatical element of northern population, who so long as they stay at home do us no harm, and but excite a pity for their ignorance and contempt for their ravings. So long as a government exists ready and willing to maintain the constitution and to guard every citizen in the enjoyment of his individual rights, the States and the citizens of the States may rest secure. Ungenerous and uncharitable as are the "assaults" made by a class of the North upon the peculiar institutions of the South, they would exist from like passions and like feelings under any government, and it is to the constitution alone, and the Union possessing strength under it, that we are indebted for the preservation of those separate rights which we see fit to exercise; no matter to what extent these passions may go, the Federal arm is to be stretched forth as a barrier against all attempts to impair them.

It is to be presumed that the raid upon Harper's Ferry, by Brown and his miserable associates, has been one of the causes which have induced these resolutions by the Legislature of South Carolina. In my opinion, the circumstances attending that act, have furnished abundant proofs of the utility of our present system of government, in the fact that the Federal powers have given an evidence of their regard for the constitutional rights of the States, and stood ready to defend them. It has besides, called forth the utterance of the mighty masses of the people, too long held in check by sectional appeals from selfish demagogues, and the South has the assurance of their fraternal feelings. The fanatical outrage was rebuked and the offenders punished. Is it for this that the southern States are called upon to dissolve the fraternal ties of the Union, and to abandon all the benefits they enjoy under its ægis, and enter upon expedients in violation of the constitution and all the safe-guards of liberty, under which we have existed as a nation nearly a century. In the history of nations, no people ever enjoyed so much national character and glory or individual happiness, as do to day the people of the United States. All this is owing to our free con-

stitution. It is alone by the Union of all States, acting harmoniously together, in their spheres under the constitution, that our present enviable position has been achieved. Without a Union these results never would have been consummated, and the States would have been subject to continual distractions and petty wars. Whenever we cease to venerate the constitution as the only means of securing free government, no hope remains for the advocates of regulated liberty.

Were the southern States to yield to the suggestions of South Carolina, and passing over the intermediate stages of trouble, a southern confederacy should be established, could South Carolina offer any guarantee for its duration? If she were to secede from the present Union, could one be formed with a constitution of more obligatory force, than the one which has been formed by our fathers, in which the patriots and sages of South Carolina bore a conspicuous part? Sever the present Union—tear into fragments the constitution—stay the progress of the free institutions which both have sustained, and what atonement is to be offered to liberty for the act? From whence is to come the elements of “a more perfect Union,” than the one formed by the men of the revolution? Where is the patriotism, the equality, the republicanism to frame a better constitution? That which South Carolina became a party to in 1788, has to this period proved equal to all the demands made upon it by the wants of a great people and the expansive energies of a progressive age. Neither in peace nor in war has it ever been found inadequate to any emergency. It has in return extended the protection which union alone can give. The States have received the benefits of this Union. Is it left to them to abandon it at their pleasure—to desert the Union which has cherished them, and without which they would have been exposed to all the misfortunes incident to their weak condition?

The Union was intended to be a perpetuity. In accepting the conditions imposed prior to becoming a part of the confederacy, the States became a part of a nation. What they conceded comprises the powers of the Federal government, but over that which they did not concede their sovereignty is as perfect as is that of the Union in its appropriate sphere. They gave all that was necessary to secure strength and permanence to the Union—they retained all that was necessary to secure the welfare of the State.

Texas cannot be in doubt as to this question. In entering the Union, it is not difficult to determine what was surrendered by an independent Republic. We surrendered the very power,

the want of which originated the Federal Union—the right to regulate commerce with foreign nations. As an evidence of it we transferred our custom houses, as we did our forts and arsenals, along with the power to declare war. We surrendered our national flag. In becoming a State of the Union, Texas agreed “not to enter into any treaty, alliance or confederation, and not, without the consent of Congress, to keep troops or ships of war, enter into any agreement or compact with any other State or foreign power.” All these rights belonged to Texas as a nation. She ceased to possess them as a State, nor did Texas, in terms or by implication, reserve the power or stipulate for the exercise of the right to secede from these obligations, without the consent of the other parties to the agreement acting through their common agent, the Federal government. The Constitution of the United States does not thus provide for its own destruction. An inherent revolutionary right, to be exercised when the great purposes of the Union have failed, remains; but nothing else.

Might not South Carolina, if a new confederacy were formed, at any time allege that an infraction of the new Constitution, or some deviation from its principles had taken place? In such an event, according to the principles now laid down by her, she would then exercise the same power which she now assumes. Grant her assumption of the right of secession, and it must be adopted as a general principle. Massachusetts may then nullify the fugitive slave law by virtue of her right as a sovereign State, and when asked to obey the Constitution, which she would thus violate, quietly go out of the Union.

It has been remarked by a statesman of South Carolina, when commenting upon the alleged aggressions of the North upon the South, that “many of the evils of which we complain were of our own making.”

If we have suffered from our own bad policy in the Union—from giving the control of our affairs to men who have not calculated well as to results, (the Union has enabled us to retrieve many of these false steps,) and at no time, since the history of our government, have so many of the safeguards of law been thrown around our peculiar institution. It is for us to sustain it and every other right we possess in the Union. Sustained by the Federal arm and the Judiciary, we may rely upon the maintenance of these rights, which we know we possess. Whenever these are taken from us, the Constitution has lost its power. There will be no Union to secede from, for in the death of the Constitution, the Union likewise perishes; and then comes civil war, and the struggle for the uppermost.

If the present Union, from which we are asked to secede, does not possess in itself all the conservative elements for its maintenance, it does seem to me that all political wisdom and binding force must be set at naught by the measures proposed.

So long as a single State reserves to herself the right of judging for the entire South as to the wrongs inflicted, and the mode of redress, it is difficult to determine to what extent the theory would be carried.

Texas is a border State. Indians ravage a portion of her frontier. Mexico renders insecure her entire Western boundary. Her slaves are liable to escape, and no fugitive slave law is pledged for their recovery. Virginia, Missouri and Kentucky are border States, and exposed to abolition emissaries. Have they asked for disunion as a remedy against the assaults of abolitionism? Let dissolution come, and the terrible consequences will fall upon all those first, and with double force. South Carolina, from her central position, the sea upon one side, and a cordon of slave States between her and danger, has had but little reason for apprehension. Those who suffer most at the hands of the North seem still disposed to bear on for the sake of the Union. When they can bear no longer they can judge for themselves, and should their remonstrances fail to call the enemies of the Constitution back to duty, and the Federal government cease to protect them, the pathway of revolution is open to them.

To guide us in our present difficulties, it is a safe rule to borrow experience from the sages and patriots of the past. Beginning with the father of our country, and great apostle of human liberty, George Washington, I am happy to find that my opinions on this subject have the sanction of all those illustrious names which we and future generations will cherish so long as liberty is a thing possessed or hoped for. In his farewell address he says :

“ The unity of government which constitutes you one people, is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence—the support of your tranquility at home and your peace abroad, of your safety, of your posterity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken—many artifices employed to weaken your minds in the conviction of this truth ; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously)

directed—it is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness ; that you should cherish a cordial, habitual and immovable attachment to it, accustoming yourself to think and speak of it as the palladium of your political safety and prosperity—watching for its preservation with jealous anxiety—discountenancing whatever may suggest even a suspicion that it can in any event be abandoned ; and indignantly frowning upon the first dawning of every attempt to alienate one portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.”

It must be recollected that these sage admonitions were given to a people, and to the sacred cause of liberty, to which a long life of arduous toil and unselfish devotion had been given. Temporary excitement, fanaticism, ambition, and the passions which actuate demagogues, afforded no promptings to his fatherly teachings. They were those of a mind which felt that it was leaving a rich heritage of freedom to posterity, to whom was confided the worthy task of promoting and preserving human freedom and happiness.

Next among the patriot statesmen who devoted their lives to the achievement of our independence as a nation, is to be mentioned the venerated name of Thos. Jefferson. In relation to the subject of secession and disunion, we find the following expression of his patriotic feelings. In June, 1798, at a time when conflicting elements seemed, in the estimation of many, to portend disunion, he wrote:

“ In every free and deliberating society, there must, from the nature of man, be opposite parties, and violent dissensions and discords, and one of these, for the most part, must prevail over the other for a longer or a shorter time. Perhaps this party division is necessary to induce each to watch and debate to the people the proceedings of the other. But if, on a temporary superiority of the one party, the other is to resort to a scission of the Union, no federal government can ever exist. If, to rid ourselves of the present rule of Massachusetts and Connecticut, we break the Union, will the evil stop there ? Suppose the New England States, alone, cut off, will our nature be changed ? Are we not men still, to the South of that, and with all the passions of men ? Immediately we shall see a Pennsylvania and a Virginia party in the residuary confederacy, and the public mind will be distracted with the same party spirit. What a game, too, will the one party have in their hands, by eternally threatening the other, that unless they do so and so, they will

join their Northern neighbors. If we reduce our Union to Virginia and North Carolina, immediately the conflict will be established between the representatives of these two States, and they will end by breaking into their simple limits."

And again, after a lapse of nearly twenty years, when the Hartford Convention announced the doctrine of nullification and secession as an ultimate remedy, which we are to day called upon to endorse, he wrote to the honored Lafayette, who, from his home in France, began to look with doubt upon the success and perpetuity of the Union which his blood had been spilt to establish :

"The cement of this Union is in the heart-blood of every American. I do not believe there is on earth a government established on so immovable a basis. Let them in any State, even in Massachusetts itself, raise the standard of separation, and its citizens will rise in mass and do justice themselves on their own incendiaries."

The particular attitude of Massachusetts, at that period, called forth these determined expressions from this great champion of American freedom. They are equally applicable to our present condition. The Legislature of South Carolina may have as much mistaken the character of the masses of South Carolina, as did the Hartford Convention the character of the masses of Massachusetts. The Hartford Convention became a by-word and a reproach. The sons of the men of Lexington and Bunker Hill stamped it with infamy. The people of South Carolina are descendants of those who felt all the throes incident to the revolution. Her gallant heroes are among the historic names to be revered and cherished. Their generations will not forget the cost of liberty, or the blessings of the Union which it created.

At the time these expressions were used by Jefferson, he had retired, and his fame had elevated him far above party politics and partisan feelings. He thought and spoke as one friend would to another, who had passed through the severe ordeal for the attainment of human freedom. He had, in truth, filled the measure of his country's glory. Such feelings well deserve a place in every true American heart. His teachings surely can not be lost upon the present enlightened generation ; nor do we find that other sages and patriots are silent on these topics. In the writings of Mr. Madison, we find that after all of the arduous toils of a statesman and patriot, when treating upon the subject of the Union and the relative rights and powers of the States, he lends his great light to guide posterity in the pathway of regulated government. Being one of the authors of the Con-

stitution, his exposition comes to us with double force. In a letter to Joseph O. Cabell, written September 16th, 1831, he says :

" I know not whence the idea could proceed that I concurred in the doctrine that although a State could not nullify a law of the Union it had a right to secede from the Union. Both spring from the same poisonous root."

In his letter to Mr. N. P. Trist, written December 23, 1832 he says :

" If one State can, at will, withdraw from the others, the others can, at will, withdraw from her, and turn her *nolentem volentem* out of the Union."

And in writing to Andrew Stevenson, February 4th, 1833, he says :

" I have received your communication of the 29th ultimo, and have read it with much pleasure. It represents the doctrines of nullification and secession in lights that must confound, if failing to convince their patrons. We have done well in rescuing the proceedings of Virginia in 1798-'99, from the many misconstructions and misapplications of them. Of late, attempts are observed to shelter the heresy of secession under the case of expatriation, from which it essentially differs. The expatriation party moves only his person and his movable property, and does not incommode those whom he leaves. A seceding State, mutilates the domain, and disturbs the whole system from which it separates itself. Pushed to the extent in which the right is sometimes asserted, it might break into fragments every single community."

These views clearly show that this great expounder of the Constitution did not recognize the right of a single State to break the harmony of the nation, and destroy its unity by seceding at its pleasure. Nor was he less earnest in his desire to perpetuate the Union and guard against the heresy, by which it might be endangered. In one of his celebrated State papers, written in September, 1829, he thus pictures in language at once solemn and truthful, the consequences of Disunion :

" In all the views that may be taken in questions between the State governments and general government, the awful consequences of a final rupture and dissolution of the Union should never be lost sight of. Such a prospect must be deprecated—must be shuddered at by every friend of his country, to liberty, to the happiness of man. For in the event of a dissolution of the Union, an impossibility of ever renewing it, is brought home to every mind by the difficulties encountered in establishing it. The pro-

pensity of all communities to divide when not pressed into a unity by external dangers is a truth well understood.—There is no instance of a people inhabiting even a small island, if remote from foreign danger, and sometimes in spite of that pressure, who are not divided into alien, rival, hostile tribes. The happy union of these States is a wonder, the constitution a miracle, their example the hope of liberty throughout the world. Wo to the ambition that would meditate the destruction of either.”

Who that has a heart that throbs for freedom can disregard the wisdom and admonition of patriots, whose lives have been devoted to the service of their country, and who, turning away from the appeals of wealth, have felt rich in the enjoyment of the boon of free government and the possession of an humble competency.

After leaving the sages who participated in the formation of our Union, we find that the distinguished patriots of latter days, likewise offer their testimony to the value of the Union, and against the doctrine of secession. Andrew Jackson, the President of the masses, the man to whose bravery in battle and whose firmness in council, the country owes much for its present prosperous condition, was called upon to meet this question under circumstances the most embarrassing. His giant will encompassed it all, and a grateful people now revere him for the act. The position assumed by South Carolina in her ordinance of November 24th, 1832, called forth his proclamation of the 10th of December following. The following extract will suffice :

“The constitution of the United States then forms a government, not a league, and whether it be formed by compact between the States or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly upon the people individually, not upon the States—they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute, jointly with the other States a single nation, cannot from that period possess any right to secede, because secession does not break a league but destroys the unity of a nation ; and an injury to that unity is not only a breach which would result in the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation ; because, it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without morally committing any offensive

secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right, is confounding the meaning of terms and can only be done through gross error, or to deceive those who are willing to assert a right but would pause before they make a revolution, or incur the penalties consequent on a failure."

Again, in his message of Jan. 1832, after fully discussing the issues forced upon the country, he adds:

"The right of a people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations and to hazard the liberties and happiness of the millions composing this Union, can not be acknowledged. Such authority is believed to be utterly repugnant to the principles upon which the general government is constituted, and to the object which it is expressly formed to attain."

This great man of the people has been gathered to his fathers. Over his grave at the Hermitage, let the American nation declare in his own emphatic language: "THE UNION—IT MUST AND SHALL BE PRESERVED."

These are not all the mighty names which can be arrayed in behalf of the Union, and against the doctrines of secession. When did the ardent and enlightened mind of Henry Clay, when his attention was drawn to the subject of the Union, fail to offer his tribute to its worth, decline to render the most scathing rebuke to those who dared for one moment to depreciate its value. Nor am I disposed to close this message, without citing another illustrious name, who without regard to party, boldly planted his feet on the platform of the constitution and the Union—a man who faced all the fury of the fanatical passions of his own section in behalf of the compromise measures of 1850, which guaranteed the equality of the South under the constitution. I allude to Daniel Webster. He was a man whose heart was great enough to embrace the whole Union, and whose intellect could span the globe.

The sentiment which he leaves on record, I repeat:

"LIBERTY AND UNION, NOW AND FOR EVER, ONE AND INSEPARABLE."

With such teachings and such lights from those of the past and of modern times, can Texas forget her duty to herself? These were the men who formed the first structure of perfect liberty and self-government in the world. We have the exposition of the principles upon which this sublime structure of self-government was based. Are we to cast them all away? Are we to quit our haven of safety, in which we are secure, happy

and prosperous, and risk our all upon the uncertainty of an untried experiment, which seems only to open the door to revolution and anarchy? Could we for a moment entertain such a maddened thought; we need only extend our imaginations across the Rio Grande, and there exemplified, to a small extent, behold the effects of secession and disunion. A disregard for a constitutional government has involved Mexico in all the horrors of civil war, with robbery, murder, rapine, unrestrained. There, it is simply civil war, brother armed against brother, partisan against partisan, but to us, it would be all these, added to the combined efforts of the powers of tyranny to crush out liberty.

A responsibility rests upon us, because our advantages, arising from self-government, and a more perfect freedom than they ever enjoyed, render us the more accountable.

I need not call the attention of the Legislature to a period so recent as the annexation of Texas to the American Union. The feeling that prevailed in the community in anticipation of that event, and the ardent desire for its consummation in almost every heart in Texas, can testify to the sincerity of our people, when they took upon themselves the duties of citizens of the United States. A generation has not half passed, since the great object was accomplished; and are we to be seduced already into any measures, fraught with principles, that would involve us in the inconsistency of impairing the integrity of our formation, and that, too, when it would involve us, in my humble opinion, in the crime of raising our hand against the Constitution and the Union, which have sheltered and defended us, and which we are solemnly bound to support and maintain?

The good sense of the nation cannot overlook the fact, that we are one people and one kindred; that our productions, occupations and interests are not more diversified in one section of the Union than another. If the vain hope of a Southern confederacy would be realized upon the basis of all the Slave States, there would soon be found enough diversity of northern and southern interests, in both sections to accomplish another division all the more eagerly sought, because of a recent precedent.

Indeed, if peaceable separation were possible, no confederacy could be formed upon any other principle, than that of leaving domestic institutions, where the constitution of the United States now leaves them—to the States individually, and not to a central government.

I have been no indifferent spectator of the agitations which have distracted our councils and caused many patriots to despair of the Republic. But I am yet hopeful and have an abiding

confidence in the masses of the people. I cannot believe that they will suffer scheming designing and misguided politicians, to endanger the palladium of our liberties. The world is interested in the experiment of this government. There is no new continent on the earth whereon to rear such another fabric. It is impossible that ours can be broken, without becoming fragmentary, chaotic and anarchical. I know of no confederacy with other States, which could hold out greater inducements or stronger bonds of fraternity than were extended to us in 1844. The people of Texas are satisfied with the Constitution and the Union as they are. They are even willing to enlarge it by further wise, peaceful and honorable acquisitions. If there is a morbid and dangerous sentiment abroad in the land, let us endeavor to allay it, by teaching and cultivating a more fraternal feeling.

I would therefore recommend the adoption of resolutions dissenting from the assertion of the abstract right of secession, and refusing to send deputies, for any present existing cause, and urging upon the people of all the States, north and south, the necessity of cultivating brotherly feeling, observing justice and attending to their own affairs.

SAM HOUSTON.

ORDERS OF THE DAY.

A bill to apportion the State of Texas into Senatorial and Representative districts, being the special order.

Mr. Erath's motion to reconsider the vote which adopted the amendment offered by Mr. Stockdale, being the first question in order, the yeas and nays were called and stood thus :

YEAS—Messrs. Hart, Lott, Martin, Parsons, Paschal, Quinan, Rains, Schleicher, Townes and Walker—10.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Harman, Herbert, Pitts, Pötter, Shepard, Sims, Stockdale and Throckmorton—17.

So the motion to reconsider was lost.

The question on the reconsideration of the vote adopting the amendments offered by the committee on apportionment was the next question in order, upon which Mr. Rainey moved a call of the Senate, which was sustained.

A bill to incorporate the Air-line Railroad Company, on an amendment from the House.

Mr. Herbert moved to make special order for Saturday next.
Lost.

The question being on the concurrence, Mr. Herbert moved a call of the Senate, which was sustained.

Mr. Grimes moved to take up the resolution of the House to adjourn sine die on the 6th February. * Lost.

Mr. Stockdale moved to adjourn until 10 o'clock to-morrow morning, which was carried by the following vote :

YEAS—Messrs. Blanch, Britton, Dickinson, Fall, Gentry, Herbert, Hyde, Martin, Rains, Rainey, Scarborough, Sims, Stockdale, Throckmorton, Townes and Walker—16.

NAYS—Messrs. Chambers, Erath, Grimes, Guinn, Harman, Lott, Parsons, Paschal, Pitts, Potter, Quinan, Schleicher, Shepard and Wallace—14.

WEDNESDAY, January 25th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a joint resolution instructing our Senators and requesting our Representatives to use their influence to procure the incorporation of Capt. John G. Tod, of the late Navy of Texas into the Navy of the United States.

And a bill to incorporate the Houston Gas Company. Correctly engrossed.

Mr. Erath presented the petition of citizens of Lampasas county in reference to the boundary lines of said county. Referred to the committee on Counties and County Boundaries.

Mr. Rains presented the petition of sundry citizens of Wood county in reference to the boundary lines of said county. Referred to the committee on Counties and County Boundaries.

Mr. Guinn presented the petition of sundry members of the bar of Cherokee county relating to executions. Referred to the committee on the Judiciary.

Mr. Townes offered the following resolution :

Resolved, That the committee on Finance, be instructed to enquire into the expediency or propriety of increasing the salary of the accomptant in the Comptroller's office and report by bill or otherwise. Read and referred to the committee on Finance.

A message was received from the House, that the House had passed the following bills:

A bill to amend an act to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, passed February 16th, 1858, " with an amendment."